

**CASE NUMBER: 15SN0518**  
**APPLICANT: Rita Randolph Jones**

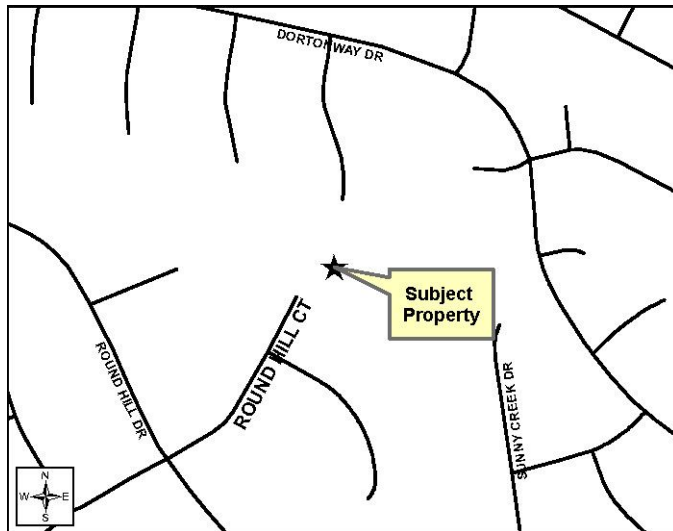


**STAFF'S ANALYSIS  
AND  
RECOMMENDATION**

**Board of Supervisors (BOS)**  
**Public Hearing Date:**  
 JANUARY 28, 2015  
**BOS Time Remaining:**  
 365 DAYS

**Applicant's Contact:**  
 RITA JONES (804-304-7412)  
**Planning Department Case Manager:**  
 ROBERT CLAY (804-796-7122)

**CHESTERFIELD COUNTY, VIRGINIA**  
 Magisterial District: CLOVER HILL



**APPLICANT'S REQUEST**

Conditional use to permit a family day-care home in a Residential (R-7) District

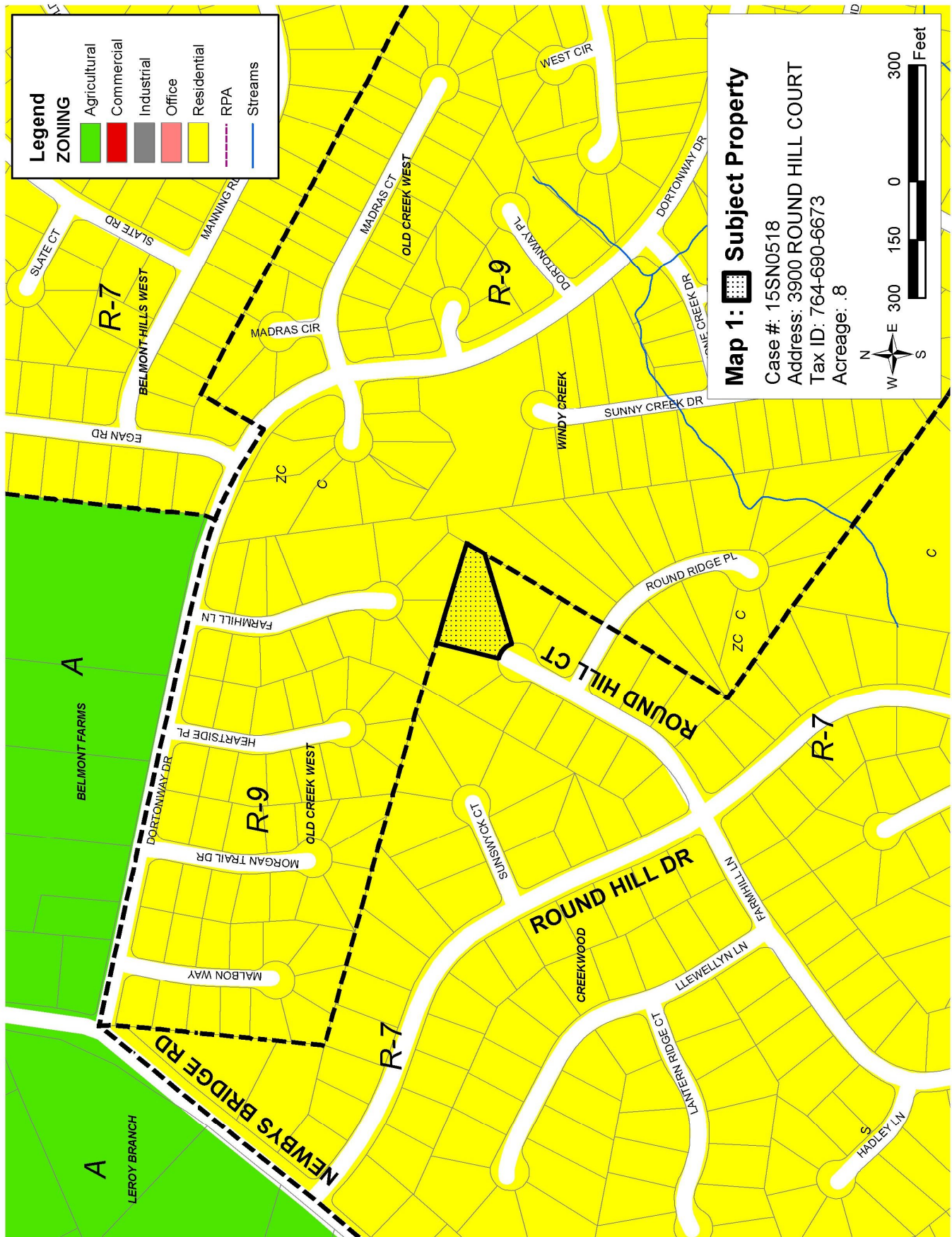
A family day-care home to allow the keeping of up to 12 children, incidental to a dwelling, is planned. (Proffered Condition 4)

(NOTES: A. Conditions may be imposed or the property owner may proffer conditions.  
 B. Proffered conditions are located in Attachment 1.)

**RECOMMENDATION**

PLANNING COMMISSION MEETING (12/16/14)	RECOMMEND APPROVAL <ul style="list-style-type: none"> <li>As conditioned, a one-year term accommodated relocation</li> </ul>
STAFF	RECOMMEND APPROVAL <ul style="list-style-type: none"> <li>As conditioned, the use should be compatible with surrounding residential development. Similar family day-care homes have been approved in other neighborhoods throughout the County and have operated without any apparent adverse impact on area residents.</li> <li>The residential character of the area will be maintained.</li> </ul>

SUMMARY OF IDENTIFIED ISSUES	
Department	Issue
PLANNING	<p>Except for fencing and employees, the proffered conditions ensure compliance with family day-care home standards established by the Planning Commission.</p> <ul style="list-style-type: none"> <li>• Fencing - Applicant is renting the property and is concerned about expense given the one (1) year limitation</li> <li>• Employees – Include applicant’s mother, who does not reside on the premises</li> </ul>
FIRE	-
CDOT	-
VDOT	-
UTILITIES	-
ENVIRONMENTAL ENGINEERING	-

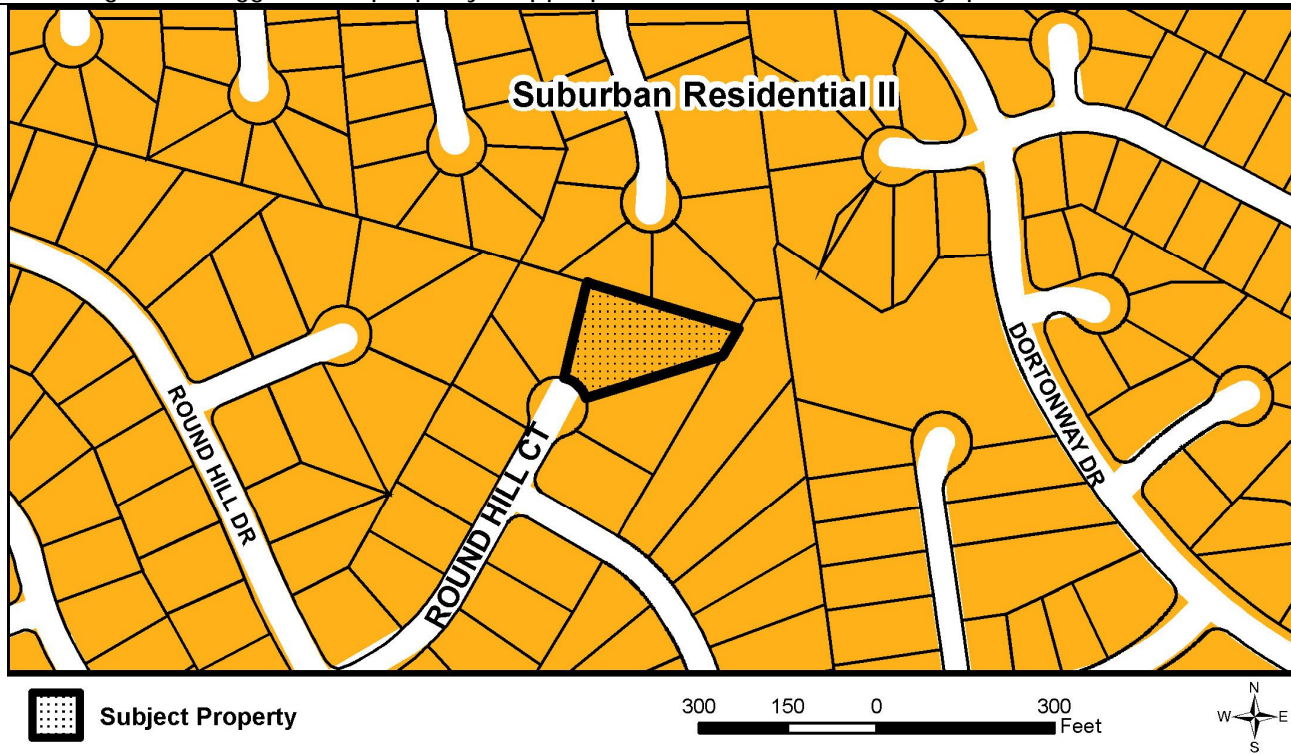




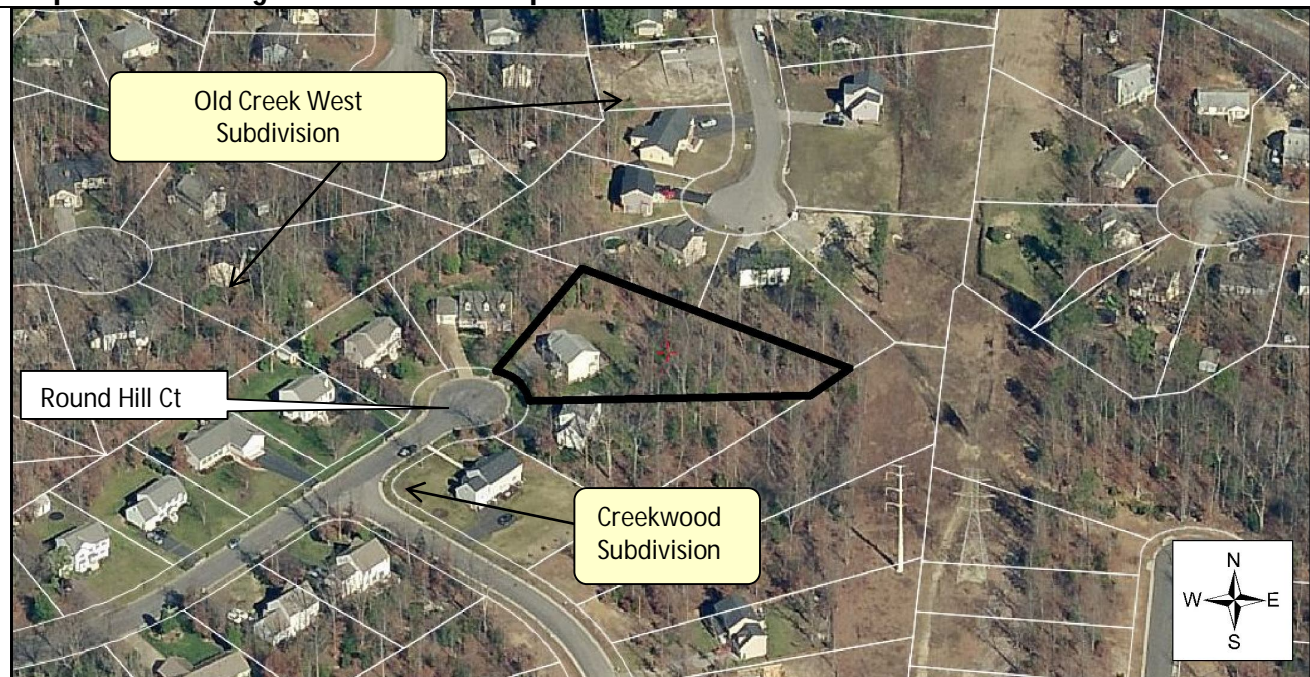
## Map 2: Comprehensive Plan

Classification: SUBURBAN RESIDENTIAL II

The designation suggests the property is appropriate for 2.0 to 4.0 dwellings per acre.



## Map 3: Surrounding Land Uses & Development



## PLANNING

Staff Contact: Robert Clay (804-796-7122) clayr@chesterfield.gov

### PROPOSAL

The Zoning Ordinance permits the keeping of a maximum of five (5) children at any one (1) time, exclusive of the occupants' children and any children who reside in the home, by right in a residential district. The applicant currently operates a State licensed family day care home for up to five (5) children. Approval of this request would permit the keeping of a maximum of twelve (12) children at any one (1) time, excluding the applicant's children and any children who reside in the home.

The following provides an overview of the conditions offered by the applicant to mitigate the impact of the use on area properties:

General Overview	
Requirements	Details
Non-Transferable	Use limited to applicant only <i>Proffered Condition 1</i>
Limitation on Size	No exterior additions or alterations to existing structure <i>Proffered Condition 2</i>
Signage	None permitted <i>Proffered Condition 3</i>
Number of Children	Maximum of twelve (12) <i>Proffered Condition 4</i>
Hours of Operation	Monday through Friday from 6 a.m. to 6 p.m. <i>Proffered Condition 5</i>
Time Limitation	One (1) year <i>Proffered Condition 6</i>
Outdoor Play Areas	Located in rear or side yard and no closer than fifteen (15) feet to rear or side property line <i>Proffered Condition 7</i>
Employees	No more than one (1) other than family member employees who reside on the premises <i>Proffered Condition 8</i>

## PUBLIC FACILITIES

### FIRE SERVICE

Staff Contact: Greg Smith (804-706-2012) smithgd@chesterfield.gov

### Nearby Fire and Emergency Medical Services (EMS) Facilities

<b>Fire Station</b>	Manchester Fire Station, Company Number 2
<b>EMS Facility</b>	Manchester Volunteer Rescue Squad

The request will have a minimal impact on Fire and EMS services.

### COUNTY DEPARTMENT OF TRANSPORTATION

Staff Contact: Jim Banks (804-751-4461) banksj@chesterfield.gov

The proposed use will have a minimal traffic impact.

## VIRGINIA DEPARTMENT OF TRANSPORTATION

Staff Contact: Brian Lokker (804-674-2384) brian.lokker@vdot.virginia.gov

### VDOT Land Use Regulations

Traffic Impact Analysis (24VAC30-155)	-
Access Management (24VAC30-73)	-
Subdivision Street Acceptance (24VAC30-91/92)	-
Land Use Permit (24VAC30-151)	-
Summary	VDOT has no comment on this request.

## WATER AND WASTEWATER SYSTEMS

Staff Contact: Jamie Bland (804-751-4439) blandj@chesterfield.gov

### Water and Wastewater Systems

	Currently Serviced?	Size of Existing Line	Connection Required by County Code?
<b>Water</b>	Yes	6"	Yes
<b>Wastewater</b>	Yes	8"	Yes

The existing residential structure is connected to the public water and wastewater systems. The request will not impact the public water and wastewater systems.

**ENVIRONMENTAL****Drainage, Erosion and Water Quality**

Staff Contact: Doug Pritchard (748-1028) pritchardd@chesterfield.gov

Environmental Engineering has no comment on this request.

**CASE HISTORY****Applicant Submittals**

<b>8/1/14</b>	Application submittal
<b>10/1/14</b>	Proffered conditions submitted
<b>12/16/14</b>	The applicant amended Proffered Condition 6 at the Planning Commission hearing

**Community Meetings**

<b>10/29/14</b>	Applicant advised staff of her meeting with the Board of Directors of the Creekwood Homeowners Association held on 10/28/14.
<b>12/8/14</b>	One (1) citizen was opposed, noting the increase in traffic and the negative impact the use brought to the neighborhood. Three (3) citizens were in support. They noted the added security for the neighborhood with the applicant being there on a daily basis; the increase in traffic is a result of ten (10) new homes recently added to the street; the need for the service the applicant provides. The president of the HOA was in attendance and indicated the HOA Board of Directors had voted to take no position on this application.

**Planning Commission Meeting**

<b>10/21/14</b>	<b>Citizen Comments</b> A citizen spoke in opposition, noting concerns with additional traffic.  <b>Commission Discussion</b> The District Commissioner indicated his intent to defer the case to allow time for the applicant to meet with the Homeowners Association and have a community meeting.  <b>Action – DEFERRED TO DECEMBER 16, 2014</b>
<b>12/16/14</b>	<b>Citizen Comments</b> Opposition to the request noted: <ul style="list-style-type: none"><li>• Safety (traffic) concerns</li><li>• Precedent for other businesses in the community</li></ul> Support for the request noted: <ul style="list-style-type: none"><li>• Good character of applicant</li><li>• Service the use provides to the neighborhood</li><li>• Need to amend community covenants to accommodate home-based</li></ul>

	<p>businesses</p> <ul style="list-style-type: none"> <li>• Increased traffic a result of new home construction on street, no applicant's use</li> </ul> <p><b>Commission Discussion</b></p> <p>Mr. Gulley noted that;</p> <ul style="list-style-type: none"> <li>• Issue is specific to land use</li> <li>• Home Owners Association has advised: <ul style="list-style-type: none"> <li>○ taking neutral position with one-year approval</li> <li>○ will not pursue changes to community covenants</li> </ul> </li> <li>• Concerns relative to community notification of proposal</li> </ul> <p>The Commission noted that:</p> <ul style="list-style-type: none"> <li>• Traffic concerns are unfounded given new home construction</li> <li>• Reducing time limit to one (1) year is reasonable in consideration of opposition; lack of fencing; and applicant's intent to relocate</li> </ul> <p>In response to a question from Mr. Gulley, the applicant agreed to amend Proffered Condition 6 to a one-year time limit.</p> <p><b>Recommendation – APPROVAL AND ACCEPTANCE OF THE PROFFERED CONDITIONS IN ATTACHMENT 1 (Page 9)</b></p> <p><b>Motion:</b> Gulley; <b>Seconded:</b> Waller  <b>AYES:</b> Wallin, Patton, Brown, Gulley and Waller</p>
<p><b>The Board of Supervisors on Wednesday, January 28, 2105, beginning at 6:30 p.m., will consider this request.</b></p>	



## PROFFERED CONDITIONS

## CONDITIONS NOTED "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION

- (STAFF/CPC) 1. Non-Transferable Ownership: This conditional use approval shall be granted to and for Rita Jones, exclusively, and shall not be transferable nor run with the land. (P)
- (STAFF/CPC) 2. Expansion of Use: There shall be no exterior additions or alterations to the existing structure to accommodate this use. (P)
- (STAFF/CPC) 3. Signage: There shall be no signs permitted to identify this use. (P)
- (STAFF/CPC) 4. Number of Children: This conditional use approval shall be limited to providing care, protection and guidance to a maximum of twelve (12) children, other than the applicant's own children, at any one time. (P)
- (STAFF/CPC) 5. Hours of Operation: Hours and days of operation shall be limited to Monday through Friday from 6 a.m. to 6 p.m. There shall be no Saturday or Sunday operation of this use. (P)
- (STAFF/CPC) 6. Time Limitation: This conditional use approval shall be granted for a period not to exceed one (1) year from the date of approval. (P)
- (STAFF/CPC) 7. Outdoor Play Areas: Any outdoor play area and/or recreational equipment utilized by the family day-care home shall be located in the side or rear yard of the property. Equipment for outdoor play areas shall be located no closer than fifteen (15) feet to the side or rear property lines. (P)
- (STAFF/CPC) 8. Employees: No more than one (1) employee shall be permitted to work on the premises other than family member employees that live on the premises. (P)